Docket 11086.000749
Customer No. 23387

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTEREFERENCES

Appellants: **Group Art Unit: 2672**

Matt CROSBY et al. **Examiner: Jin Cheng Wang**

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Commissioner for Patents
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APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answer mailed January 16, 2007, Appellants submit the following remarks. All arguments made in Appellants' previously-filed Appeal Brief are re-asserted herein and are believed still to be persuasive.

REMARKS

As set forth in independent claim 1, Appellants' invention relates to, in a distributed system having a first node coupled to a first output device and a second node coupled to a second output device, a method of processing a low resolution image object included in an associated high resolution image object file at the first node so as to provide on-demand rasterization appropriate for the second output device. The method includes, *inter alia*, associating a state information file to the high resolution image object file whereby the state information file comprises an edit list having an embedded edit list and an external edit list wherein the external list comprises links to a plurality of assets that may be embedded in the resulting low resolution image object; and forwarding the low resolution image object and the associated state information file to the second node. Independent claim 16 recites an apparatus having features generally corresponding to the features of independent claim 1.

The Examiner asserts that U.S. Patent No. 6,522,418 (hereinafter, Yokomizo) renders the invention set forth in the independent claims unpatentable under 35 USC § 103. Yokomizo relates to a system for editing images in which a low-resolution image is sent to a user, the user edits the low-resolution image, and a script of only the edits only is returned to a branch shop that employs the script to make edits to a high-resolution image corresponding to the low-resolution image. Nowhere does Yokomizo teach or suggest at least forwarding to a second node a low resolution image object and a state information file that is associated to the high resolution image object file in which the low resolution image object is included, as recited in the independent claims.

Page 16 of the Examiner's Answer asserts that "Yokomizo discloses [] that the client's end (meeting the claim limitation of the second node) receives a low-resolution image as well as the editorial information from the server's end (meeting the claim limitation of the first node)." As understood, the Examiner cites an editorial plug-in device 73 supported by proxy editorial [sic, editing?] software 84 at the server's end through a CGI interface. Proxy editorial software 84 has main jobs including downloading the image files and templates requested by the client and access to the

information is user's administrative information such as an access code. (Yokomizo, col. 15, ll. 11-12.) According to the Examiner, "image files and [] templates as well as [] database information are the edit list information to be effected on the low-resolution images at the client's end."

Appellants disagree, at least because the Examiner is misconstruing the function of the applet and the editorial software. The plug-in device provides a user at the client side editorial functionality. Specifically, as set forth at column 14, beginning at line 57, "the proxy editorial plug-in device provided on the client's end [] possesses functions for displaying templates, editing and importing of files, in addition to basic editorial functions to be effected on low-resolution images such as editing, rotation, conversion, moving and synthesis." Furthermore, Yokomizo describes, at column 16, lines 58 – 65, "facilities which in a narrow sense may be called programs exist both at the server's end and the client's end. More specifically, the client's end has editorial functions for editing the proxy images and an image edition plug-in device (or applet) having a function to store all the editorial procedures taken by the client, while the server's end has a server function for transferring the images to the client and a function for storing the 'editorial information' which indicates the types and contents of the edition made by the client." However, nowhere does Yokomizo teach or suggest at least associating a state information file to the high resolution image object file, and forwarding the low resolution image object and the associated state information file to the second node, as set forth in independent claims 1 and 16.

On page 17, the Examiner's Answer asserts:

> Yokomizo teaches the editorial templates are associated with either the high-resolution image or the low-resolution image even before they were sent from the 'first node' to the user at the 'second node' (see for example, column 19, lines 20-58) because the templates or editorial functions are adapted to the image objects to be edited and are prepared in advance to permit the user to freely change slots or layout or to prohibit a change by the user (preparing in advance at the server's end the state information such as layout, positions of the templates, either fixed or flexible for the user's subsequent editing or rasterizing at the

client's end) and thus teaching that some of the (external or embedded) edit lists are embedded in the low-resolution image objects.

Appellants disagree with the Examiner's characterization of this portion of Yokomizo. Yokomizo teaches enabling editing of low-resolution images on the client side. "The user can put the low-resolution images on the display 30-5 of the user's own and can give desired image editorial instructions." (Col. 18, lines 51-53.) "Simple programs and so forth to be used in the edition may be acquired by downloading from the HQ shop 20, although the user an [sic, "can"] most conveniently purchase the programs in the form of an editorial kit stored in the CD-ROM 34 available from, for example, the branch shop 10." (Col. 18, lines 55-60.) The editorial kit 34 stores editorial applications necessary for editorial processing and templates that contribute to easy selection of layout of images in the course of editorial work. (Col. 18, ll. 62-65.)

Thus, Yokomizo teaches downloading templates, which templates are then used by the user, at the client side, to provide a layout for one or more low-resolution images. The templates of Yokomizo are designed by professional designers, and the designers may allow manipulation of features of the templates, or may only allow input of images, text, and the like, into immovable slots. (See Col. 19, ll. 21-53.)

Accordingly, Yokomizo is understood to teach downloadable templates that a user can use at the client side to layout a plurality of images. Appellants submit that this is completely different than associating a state information file to the high resolution image object file, and forwarding the low resolution image object and the associated state information file to the second node, as set forth in independent claims 1 and 16.

At page 18, the Examiner's Answer asserts that "the number of the editorial functions or templates prepared in advance on the server's end directly affects the subsequent rasterizing of the low-resolution image at the clients' end. For example, if 'red-eye processing' is not provided to the user, the user is not allowed to do red-eye processing." That a client cannot perform an editorial operation that that client is not equipped to do does not teach at least associating a state information file to the high

resolution image object file, and forwarding the low resolution image object and the associated state information file to the second node, as set forth in independent claims 1 and 16. Yokomizo teaches only that editorial functioning may be provided to a client from a server (for example, via a downloadable or for-purchase editorial kit, as described at Col. 18, ll. 51-67, and discussed above). There is no association of this editorial functioning to the high-resolution image.

Beginning on page 19, the Examiner's Answer asserts that Yokomizo teaches "associating a state information file to the image object" or associating a Java applet file to the image object. As discussed in more detail above, Yokomizo teaches downloadable or for-purchase editorial kits supplied by a server for use by a client. However, nowhere does that patent teach associating a state information file to the high resolution image object file, and forwarding the low resolution image object and the associated state information file to the second node, as set forth in independent claims 1 and 16. In Yokomizo, a user side provides all editing capabilities, a user edits a low-resolution image, and the edits are returned to a server for application to a high-resolution image.

The arguments set forth on page 21 of the Examiner's Answer are identical to those on page 16. Because these arguments were addressed above, they will not be further addressed at this time.

Appellants note that the Examiner's Answer repeatedly asserts that "the question whether a reference 'teaches away' from the invention is inapplicable to an anticipation analysis," in response to arguments presented in the Appeal Brief. While this statement is true, Appellants note that claims 1 and 16 stand rejected under 35 USC § 103. Accordingly, the arguments regarding teaching away, although not reiterated herein, are submitted to be proper.

Without conceding the propriety of the remaining arguments set forth in the Examiner's Answer, those arguments will not be specifically addressed further herein, and Appellants reassert all arguments made regarding such issues in the Appeal Brief.

For the foregoing reasons, as well as for the reasons set forth in the Appeal Brief previously filed in this application, Appellants assert that the claims on file patentably define Appellants' invention over the cited documents. Reversal of the Examiner's rejections respectfully is requested. Appellants also respectfully request that the Board mandate the allowance of claims 1-35.

Respectfully submitted,

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